

ORRICK, HERRINGTON & SUTCLIFFE LLP

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter
7 Estate of Bernard L. Madoff,

Plaintiff,

v.

KOCH INDUSTRIES, INC., as successor in
interest of Koch Investment (UK)
Company,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 12-01047 (CGM)

NOTICE OF CANCELLATION OF HEARING
ON DEFENDANT'S DIRECT APPEAL CERTIFICATION REQUEST

PLEASE TAKE NOTICE that the hearing before the Honorable Cecilia G. Morris, United States Bankruptcy Judge, on Defendant Koch Industries, Inc.’s request for certification of the Order entered on November 30, 2022, ECF No. 122, following the November 21, 2022 Memorandum Decision Denying Defendant’s Motion to Dismiss, ECF No. 118, for direct appeal to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 158(d)(2) and Federal Rule of Bankruptcy Procedure 8006(f) [ECF No. 129] (the “Hearing”), which Hearing had been noticed for March 15, 2023 at 10:00 a.m. at the United States Bankruptcy Court, 355 Main Street, Poughkeepsie, New York 12601 [ECF No. 130], is **cancelled**, subject to the Court’s approval. As of February 4, 2023, the district court became the sole court authorized to act on Defendant’s certification request. Fed. R. Bankr. P. 8006(d). Defendant advised the district court of its certification request by letter submission on February 6, 2023 and, by memorandum endorsement on the same date, District Judge Caproni confirmed that the district court will decide Defendant’s request. *See Picard v. Koch Industries, Inc.*, No. 1:23-cv-00294-VEC (S.D.N.Y. Feb. 6, 2023), ECF No. 15. For the avoidance of doubt, Defendant reserves all of its rights with respect to its certification request.

PLEASE TAKE FURTHER NOTICE that this notice does not affect any other matter scheduled for hearing before the Honorable Cecilia G. Morris, United States Bankruptcy Judge, on March 15, 2023 at 10:00 a.m.

Respectfully submitted,

/s/ Jonathan P. Guy

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March 13, 2023